

## **REMARKS**

### **FORMAL MATTERS:**

Claims 1-20 are pending. Claims 1-13 were examined and rejected.

Claims 6, 11 and 12 are amended for clarity.

No new matter has been added.

### **OBJECTIONS TO THE SPECIFICATION**

The specification is objected to for containing embedded hyperlinks, and for containing a line after the abstract.

As shown above, the specification has been amended and it is believed that this objection is now moot.

Withdrawal of this objection is requested.

### **REJECTIONS UNDER §112, ¶2**

Claims 11 and 12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 11 and 12 have been amended and it is believed that this rejection is now moot.

Claim 6 has been amended to correct a typographical error.

Withdrawal of this rejection is requested.

### **REJECTION UNDER §102**

Claims 1-13 are rejected under 35 U.S.C. § 102(e) as anticipated by US20050048578. The Applicants respectfully traverse this rejection.

The instant application claims the benefit of a prior provisional application (serial no. 60/404,117), which was filed on August 15, 2002. Since August 15, 2002 is well before the priority date of the US20050048578 (June 26, 2003), US20050048578 is not prior art to the instant application.

Thus, US20050048578 cannot anticipate any of the instant claims, and this rejection should be withdrawn.

**REJECTIONS UNDER §103(A)**

Claims 1 and 3-13 are rejected under 35 U.S.C. § 103(a) as unpatentable in view of Popkov and Morea) The Applicants respectfully traverse this rejection.

The instant application claims the benefit of a prior provisional application (serial no. 60/404,117), which was filed on August 15, 2002. Since August 15, 2002 is well before the publication date of Popkov (which was published 2003), Popkov is not prior art to the instant application.

Thus, Popkov cannot be used to render any of the instant claims obvious, and this rejection should be withdrawn.

**OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 1-13 are rejected under the doctrine of obviousness-type double patenting over claims of copending application 10/637,317, in view of US20050048578 and Morea.

The instant application claims the benefit of a prior provisional application (serial no. 60/404,117), which was filed on August 15, 2002. Since August 15, 2002 is well before the priority date of the US20050048578 (June 26, 2003), US20050048578 is not prior art to the instant application.

Thus, this rejection lacks force, and may be withdrawn.

**COMMONLY ASSIGNED PATENT APPLICATION SERIAL NO. 10/637,317**

The Applicants request clarification of paragraphs 15 and 16 of the Office Action because it is not clear whether or not any claims have been rejected and, if claims have been rejected, under which section of the statute those claims have been rejected.

**CONCLUSION**

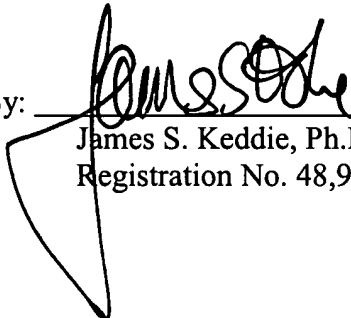
Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number EPIT-001.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: December 11, 2006

By: \_\_\_\_\_

  
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